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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,149	09/29/2005	Herbert Boerner	DE 020219	2960
24737 7590 12/15/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
BREVAIL, ELMITO				
ART UNIT		PAPER NUMBER		
2889				
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12/15/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,149

Applicant(s)

BOERNER ET AL.

Examiner

ELMITO BREVAL

Art Unit

2889

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

The amendment filed on 08/21/2009 has been entered.

Claims 1-20 are pending.

Response to Arguments

Applicant's arguments filed 08/21/2009 have been fully considered but they are not persuasive. The applicant has made one argument: (1) the cited references don't teach all the claimed limitations, especially the limitation "said transparent dielectric layers having a high refractive index n being arranged in alternating manner with said transparent dielectric layers having a low refractive index n ."

In response to that argument: the examiner respectfully disagrees. The primary reference Shimizu (US. Pat: 5, 003, 221) teaches (in at least fig. 5; see at least col. 11-col. 13) an electroluminescent device comprising: a transparent substrate (31), a transparent electrode (33), a first dielectric layer (34) made of Y_2O_3 with refractive index $n = 1.9$ formed directly on the transparent electrode (33), a second dielectric layer (32) made of SiO_2 with refractive index $n = 1.4$ (i.e. the low refractive index) formed directly on the second dielectric layer (32). Therefore, Shimizu's reference does in fact teach the limitation "said transparent dielectric layers having a high refractive index n being arranged in alternating manner with said transparent dielectric layers having a low refractive index n ."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu (US. Pat: 5,003,221) of record by the applicant.

Regarding claim 15, Shimizu ('221) teaches (in at least figs. 2 and 5) an electroluminescent device comprising: an electroluminescent layer (15) sandwiched between a back electrode (17; i.e. first electrode) and a transparent electrode (13; second electrode); and a stack of $2n + 1$ transparent thin film layer (12; i.e. the transparent dielectric) formed on the second electrode (13) on an exit side of the electroluminescent device wherein a light emitted by the electroluminescent layer (15) exits, wherein $n = 0, 1, 2, 3, \dots$; said transparent thin film layer (i.e. the dielectric layer) having layers (12d, 12e) of a high refractive index $n > 1.7$ (see col. 7, line 10) arranged in alternating manner with layers (12a, 12b) having a low refractive index $n \leq 1.7$ (see col. 7, lines 9-10); wherein said stack includes a transparent thin film layer (12e) having a refractive index 1.9 adjoining the second electrode (13).

Regarding claim 17, Shimizu ('221) teaches (in col. 4, lines 49-64) the thin film layer (12) can be selected from TiO_2 .

Regarding claim 18, Shimizu ('221) teaches (in col. 4, lines 49-63) the thin film layer (12) can be selected from SiO_2 .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 6, 8-9, 12, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US. Pat: 5,003,221) of record by the applicant in view of Jones et al., (WO 00/12226) of record by the applicant.

Regarding claim 1, Shimizu ('221) teaches (in at least figs. 2 and 5) an electroluminescent device comprising: an electroluminescent layer (15) sandwiched between a back electrode (17; i.e. first electrode) and a transparent electrode (13; second electrode); and a stack of $2n + 1$ transparent thin film layer (12; i.e. the transparent dielectric) formed on the second electrode (13) on an exit side of the electroluminescent device wherein a light emitted by the electroluminescent layer (15) exits, wherein $n = 0, 1, 2, 3, \dots$; said transparent thin film layer (i.e. the dielectric layer) having layers (12d, 12e) of a high refractive index $n > 1.7$ (see col. 7, line 10) arranged in alternating manner with layers (12a, 16b) having a low refractive index $n \leq 1.7$ (see col. 7, lines 9-10); wherein said stack includes a transparent thin film layer (12e) having a refractive index 1.9 adjoining the second electrode (13).

However, Shimizu ('221) does not teach a color converting material which is capable of changing light emitted by the electroluminescent layer into light having a longer wavelength.

Further regarding claim 1, Jones ('226) teaches an electroluminescent device comprised of, in part, a color converting material (32) capable of changing the color of light produced by the device (see page 7, lines 2-3) in order to have a device that can emit light of different color.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the color converting layer of Jones in the device of Shimizu in order to have a device that can emit light of different color.

Regarding claim 2, Shimizu ('221) teaches (in col. 4, lines 49-64) the thin film layer (12) can be selected from TiO_2 .

Regarding claim 3, Shimizu ('221) teaches (in col. 4, lines 49-63) the thin film layer (12) can be selected from SiO_2 .

Regarding claim 5, Jones ('226) teaches (in at least fig. 1 and corresponding paragraphs) the electroluminescent device is an active matrix device having a pixilated first electrode (12). The reason for combining is the same as for claim 1.

Regarding claim 6, Jones ('226) teaches (in at least fig. 1) a capping layer (15) is placed adjacent to the second electrode (14) and wherein the color converter material is placed on top of the capping layer (15; i.e. the protective layer).

Regarding claim 8, Shimizu ('221) teaches (in at least figs. 2 and 5) an electroluminescent device comprising: an electroluminescent layer (15) sandwiched between a back electrode (17; i.e. first electrode) and a transparent electrode (13; second electrode); and a stack of $2n + 1$ transparent thin film layer (12; i.e. the transparent dielectric) formed on the second electrode (13) on an exit side of the

electroluminescent device wherein a light emitted by the electroluminescent layer (15) exits, wherein $n = 0, 1, 2, 3, \dots$; said transparent thin film layer (i.e. the dielectric layer) having layers (12d, 12e) of a high refractive index $n > 1.7$ (see col. 7, line 10) arranged in alternating manner with layers (12a, 16b) having a low refractive index $n \leq 1.7$ (see col. 7, lines 9-10); wherein said stack includes a transparent thin film layer (12e) having a refractive index 1.9 adjoining the second electrode (13).

However, Shimizu ('221) does not teach a color converting material which is capable of changing light emitted by the electroluminescent layer into light having a longer wavelength.

Further regarding claim 8, Jones ('226) teaches an electroluminescent device comprised of, in part, a color converting material (32) capable of changing the color of light produced by the OLED (see page 7, lines 2-3) in order to have a device that can emit light of different color.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the color converting layer of Jones in the device of Shimizu in order to have a device that can emit light of different color.

Regarding claim 9, Jones ('226) teaches (in page 6, lines 2-3) the color converting material is configured to convert blue light to at least one of red and green light. The reason for combining is the same as for claim 8.

Regarding claim 12, Jones ('226) teaches (in page 6, lines 2-3) the color converting material is configured to convert blue light to at least one of red and green light. The reason for combining is the same as for claim 8.

Regarding claim 16, Shimizu ('221) teaches all the claimed limitations except for a color converting material which is capable of changing the light emitted by the electroluminescent layer into a light having a different wavelength.

Further regarding claim 16, Jones ('226) in the same field of endeavor teaches an electroluminescent device comprised of, in part, a color converting layer (32) capable of changing the color of light produced by the OLED (see page 7, lines 2-3) in order to have a device that can emit light of different color.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the color converting layer of Jones in the device of Shimizu in order to have a device that can emit light of different color.

Regarding claim 20, Jones ('226) teaches (in at least fig. 1; abstract) a color converting material (16) which is capable of changing the light emitted by the electroluminescent layer into a light having a different wavelength; and a protective layer (15; i.e. the capping layer) placed adjacent to the electrode (14; i.e. the second electrode) wherein the color converter material is placed on top of the protective layer (15). The reason for combining is the same as for claim 16.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US. Pat: 5,003,221) of record by the applicant in view of Jones et al., (WO 00/12226) of record by the applicant in further view of Leising et al., (US. Pat: 6,117,529) of record by the examiner.

Regarding claim 4, Shimizu/Jones teach all the claimed limitations except for the transparent dielectric layers having a low refractive index is MgF₂.

Further regarding claim 4, Leising ('529) in the same field of endeavor teaches an organic electroluminescent device comprised of, in part, a low refractive transparent dielectric layer made of MgF₂ (col. 5, line 64) for the purpose of improving the luminance efficiency of the device.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the dielectric material of Leising into the device of Shimizu/Jones for the purpose of improving the luminance efficiency of the device.

Claim 10, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US. Pat: 5, 003, 221) of record by the examiner in view of Jones et al., (WO 00/12226) of record by the applicant in further view of Tang et al., (US. Pat: 5,294,870) of record by the examiner.

Regarding claims 10 and 13, Shimizu/Jones teach all the claimed limitations except for the blue light passes through the electroluminescent device substantially without loss.

Further regarding claim 10, Tang ('870) teaches an electroluminescent lamp comprised of, in part, a blue color converting material wherein the blue light passes through the electroluminescent device substantially without loss (col. 8, lines 54-56) for the purpose of emitting a blue light without any shift in color.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the blue light converting material of Tang into the device of Shimizu/Jones for the purpose of emitting a blue light without any shift in color.

Regarding claims 11 and 14, Shimizu/Jones teach all the claimed limitations except for the color converting material is configured to convert blue light to red light for a first sub-pixel, and to convert the blue light to green light for a second sub-pixel, and wherein the blue light passes through the electroluminescent device substantially without loss for a third sub-pixel.

Further regarding claims 11 and 14, Tang ('870) teaches an electroluminescent device comprised of, in part, a color converting material wherein the color converting material is configured to convert blue light to red light for a first sub-pixel, and to convert the blue light to green light for a second sub-pixel, and wherein the blue light passes through the electroluminescent device substantially without loss for a third sub-pixel (col. 8, lines 8-68) for the purpose of having good luminance efficiency of the device.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the color converting material as taught by Tang into the device of Shimizu/Jones for the purpose of improving the luminance efficiency of the device.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US. Pat: 5,003,221) of record by the applicant in view of Leising et al., (US. Pat: 6,117,529) of record by the examiner.

Regarding claim 19, Shimizu teach all the claimed limitations except for the transparent dielectric layers having a low refractive index is MgF₂.

Further regarding claim 19, Leising ('529) in the same field of endeavor teaches an organic electroluminescent device comprised of, in part, a low refractive transparent

dielectric layer made of MgF₂ (col. 5, line 64) for the purpose of improving the luminance efficiency of the device.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the dielectric material of Leising into the device of Shimizu for the purpose of improving the luminance efficiency of the device.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US. Pat: 5,003,221) of record by the applicant in view of Jones et al., (WO 00/12226) of record by the applicant in further view of Trottier et al, (US. Pub: 2004/0061124).

Regarding claim 7, Shimizu/Jones teach all the claimed limitations except for the converting material is selected from the group consisting of (Ba, Sr)₂SiO₄:Eu, SrGa₂S₄:Eu, CaS:Ce, Ba₂ZnS₃: Ce, K, Lumogen yellow ED206, (Sr, Ca)₂SiO₄:Eu, (Y,Gd) ₃(Al, Ga)₅O₁₂:Ce, Y₃Al₅O₁₂:Ce, Lumogen F orange 240, SrGa₂S₄: Pb, Sr₂Si₅N₈: Eu, SrS:Eu, Lumogen F red 300, Ba₂Si₅N₈:Eu, Ca₂Si₅N₈:Eu, CaSiN₂:Eu and CaS:Eu.

Further regarding claim 7, Trottier ('124) teaches a light emitting device comprised of, in part, a wavelength converting material selected from SrS: Eu ([0017]) for the purpose of having a device capable of emitting light of different wavelengths.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the wavelength converting material of Trottier in the device of Shimizu/Jones for the purpose of having a device capable of emitting light of different wavelength.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELMITO BREVAL whose telephone number is (571)270-3099. The examiner can normally be reached on M-F (8:30 AM-5:00 Pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Toan Ton can be reached on (571)-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elmito Brevil/
Examiner, Art Unit 2889

/Toan Ton/
Supervisory Patent Examiner, Art Unit 2889

November 24, 2009
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